

United States Department of Justice  
Office of the United States Trustee  
110 N. College Avenue, Suite 300  
Tyler, Texas 75202  
(903) 590-1450

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
	§	
BBL Builders, L.P.	§	Case No. 16-41880
15770 N. Dallas Parkway	§	
Suite 300	§	
Dallas, TX 75248	§	
COLLIN-TX	§	
Tax ID / EIN: 14-1831973	§	Chapter 11
	§	
Debtor	§	
	§	

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**UNITED STATES TRUSTEE'S MOTION  
TO DISMISS OR CONVERT PURSUANT TO 11 U.S.C. § 1112(b);  
OR IN THE ALTERNATIVE, FOR OTHER RELIEF;  
WITH WAIVER OF 30-DAY HEARING REQUIREMENT**

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**PLEASE NOTE THAT THE COURT HAS SET THIS MOTION FOR HEARING:**

**HEARING: TUESDAY, JUNE 20, 2017, AT 1:30 P.M.**

U. S. Bankruptcy Court  
660 N. Central Expressway, 3<sup>rd</sup> Floor  
Plano, Texas 75704

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE PRESIDING:

William T. Neary, the United States Trustee for Region 6 (“U.S. Trustee”) hereby files in the above-numbered bankruptcy case (“Case”) his Motion Dismiss or Convert Pursuant to 11 U.S.C. § 1112(b); or in the Alternative, for Other Relief (“Motion”) and respectfully states in support thereof:

**Jurisdiction and Timeliness**

1. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1334, 157(a), and the standing order of reference. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O). The predicate for the relief requested herein is Bankruptcy Code section 1112(b).

**Background**

2. On October 14, 2016 (“Petition Date”), BBL Builders, L.P. (“Debtor”) commenced the Case by filing a petition under chapter 11 of the Bankruptcy Code. No committee of unsecured creditors has been appointed in the Case.

3. The Debtor’s monthly operating report for the month ending March 31, 2017, shows the Debtor incurring significant net losses of in each of the first three months of 2017.

4. The Debtor has not yet filed a disclosure statement or plan to indicate how it would propose to reorganize for the benefit of creditors.

5. The U.S. Trustee is concerned the Debtor will not be able to effectively use chapter 11 for the benefit of creditors.

**Applicable Law and Argument**

6. Section 1112(b) provides,

. . . absent unusual circumstances specifically identified by the court that establish that the requested conversion or dismissal is not in the best interests of creditors and the estate, the court shall convert a case under this chapter to a case under

chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, if the movant establishes cause.

7. Cause exists to convert or dismiss the Case because the Debtor has mismanaged the estate, does not appear to have any likelihood of rehabilitation, and has failed to timely meet reporting requirements. In addition, the two-party dispute presented by the Case appears more appropriate for resolution outside chapter 11.

8. Under section 1112(b), the Court determines whether dismissal or conversion is in “the best interest of creditors.” Under the facts of this Case, the Debtor does not appear able to effectively use chapter 11 for the benefit of creditors, so the Case should be dismissed or converted. If the Court determines dismissal best serves the interests of creditors, sufficient “cause” exists to dismiss the Case with prejudice to re-filing for 180 days. 11 U.S.C. § 349.

9. In the alternative, the U.S. Trustee asserts that cause exists to establish appropriate confirmation or case resolution deadlines. 11 U.S.C. § 105(d)(2)(B).

WHEREFORE, the U.S. Trustee respectfully requests that the Court issue an order dismissing the Case and granting such other further appropriate relief.

Dated: May 15, 2017

Respectfully submitted,

William T. Neary  
United States Trustee  
Region 6

By: /s/ Marc Salitore  
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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served on the following listed persons through the court's electronic notification system as permitted by Appendix 5005 III E to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid, no later than May 16, 2017.

/s/ Marc Salitore

Marcus F. Salitore

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Label Matrix for local noticing  
0540-4  
Case 16-41880  
Eastern District of Texas  
Sherman  
Mon May 15 15:30:29 CDT 2017

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Waste Management  
2625 W Grandview Rd Ste 150  
Phoenix, AZ 85023-3109

Waste Managment of Texas  
P.O. Box 660345  
Dallas, TX 75266-0345

Wholelife Properties, LLC  
c/o Melissa Hayward  
Franklin Hayward LLP  
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Dallas, TX 75231-2203

David L. Woods  
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2501 N. Harwood, Suite 1800  
Dallas, TX 75201-1613

Xerox Corporation  
c/o V.O. Adams  
1303 Ridgeview Drive - 450  
Lewisville, TX 75057-6018

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

ROYAL FINISH  
12225 Greenville Avenue Suite 700  
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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

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12239 Mosielee Street  
Houston, TX 77086-3519

(d)Advanced Framing Constr  
8553 North Beach Street 341  
Keller, TX 76244-4919

(d)Alpha Concrete Contractors, Inc.  
P.O. Box 5010  
Longview, TX 75608-5010

(d)Casey Hyman Plumbing, Inc.  
5650 Dixie Dr. A  
Pensacola, FL 32503-2255

(d)Cemplex Group TX, BH Group  
5225 Norwood Road  
Dallas, TX 75247-5822

(d)General Electric/GE Appliances Inc.  
PO Box 840136  
Dallas, TX 75284-0136

(d)Glasshouse 919 Dragon Street Dallas, TX 75207-4203	(d)HR Mechanical LLC 19 Harbour Drive Houston, TX 77058-4207	(d)LMI Landscapes, Inc. 1437 Halsey Way Carrollton, TX 75007-4410
(d)Legacy Construction 11450 US Hwy 380 Suite 130, Box 123 Cross Roads, TX 76227-8322	(d)MQ Apple Grove Villas Housing, L.P. c/o Locke Lord LLP Attn: W. Steven Bryant 600 Congress Ave., Ste. 2200 Austin, TX 78701-3055	(d)Notlex Truss 8800 FM 916 Grandview, TX 76050-4724
(d)Timothy W. O'Neal Office of the U.S. Trustee 110 N. College Ave., Ste. 300 Tyler, TX 75702-7231	(d)Oasis Plumbing & Mechanical LLC 12316A N. May Ave. #187 Oklahoma City, OK 73120-1944	(u)Pedro Reyes Need Address
(d)Performance Mechanical 2909 Durant Ct. Granbury, TX 76049-7013	(d)R&S Commercial Services LP 10462 Plano Road Dallas, TX 75238-1312	(d)Ranger Electrical Inc. PO Box 3153 Flint, TX 75762-3151
(d)Rumsey Construction, LLC c/o D. M. Dalton, Jr. 8828 Greenville Ave. Dallas, TX 75243-7143	(d)Sills-Swindell Inc. PO Box 332 Cedar Hill, TX 75106-0332	(d)StripeCo of Texas, LLC 661 E Main St, Ste 200-151 Midlothian, TX 76065-3340
(d)Tealstone Commercial, Inc. 2612 Sirius Drive Denton, TX 76208-1053	(d)Wholelife Properties, LLC c/o Melissa Hayward Franklin Hayward LLP 10501 N. Central Expy., Ste. 106 Dallas, TX 75231-2203	End of Label Matrix Mailable recipients 434 Bypassed recipients 23 Total 457